

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x Case No.: 1:19-cv-7131 (ALC)

ANDREA TANTAROS,

Petitioner,

-against-

FOX NEWS NETWORK, LLC, THE ESTATE OF
ROGER AILES, WILLIAM SHINE, SUZANNE SCOTT,
DIANNE BRANDI, and IRENA BRIGANTI,

Respondents.

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**MOTION OF DONNELLY STEHN, LLP TO WITHDRAW AS COUNSEL FOR
PETITIONER AND STAYING THIS CASE**

Donnelly Stehn, LLP hereby moves this Court for an Order (a) pursuant to Local Rule 1.4, permitting Donnelly Stehn, LLP to withdraw as counsel for Petitioner Andrea Tantaros; and (b) staying this case for at least ninety (90) days as Ms. Tantaros will be filing a Writ of Certiorari in the United States Supreme Court to appeal the Second Circuit's decision affirming this Court's December 17, 2019 Order denying Petitioner's motion to remand which will effectively stay this action.

The reason for this request is Ms. Tantaros's termination of our representation in this matter. The details are set forth in the Declaration of Joseph P. Donnelly, Esq. in Support of Motion to Withdraw as Counsel.

Ms. Tantaros will not be prejudiced by our firm's withdrawal. There are no motions currently pending before this Court nor a briefing schedule ordered by this Court. New counsel for the Fox parties recently entered an appearance on September 8, 2021.

Additionally, Ms. Tantaros has indicated that she intends to retain new counsel who is admitted to practice in the United States Supreme Court to file a Petition for a Writ of Certiorari

in the United States Supreme Court to appeal the Second Circuit’s decision affirming this Court’s December 17, 2019 Order denying Petitioner’s motion to remand. As such, we further move for a stay of this case for at least 90 days to enable Ms. Tantaros to retain new counsel to file said petition.

ARGUMENT

I. Withdrawal is Proper in this Case

Local Civil Rule 1.4, “Withdrawal or Displacement of Attorney of Record,” provides as follows:

An attorney who has appeared as attorney of record or a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar.

The New York Professional Rules of Conduct require withdrawal when the lawyer is discharged. *See* New York Rules of Professional Conduct (“NY RPC”) Rule 1.16(b)(3). Based on Ms. Tantaros termination of Donnelly Stehn, LLP, our firm must withdraw its representation under NY RPC 1.16.

Thus, Donnelly Stehn, LLP respectfully requests the Court grant the branch of the motion to withdraw as counsel for the Plaintiff in this matter.

II. Staying this Case is Appropriate Under the Circumstances

On September 30, 2021, the Second Circuit denied Ms. Tantaros’s petition for panel rehearing, or in the alternative, for rehearing *en banc* of the Second Circuit’s August 27, 2021 decision affirming this Court’s December 17, 2019 Order denying her Motion to Remand to State Court. On October 7, 2021, the Second Circuit issued its mandate (Dkt. 95).

There are currently no motions pending, nor a briefing schedule ordered by this Court. Moreover, Ms. Tantaros has indicated that, upon retention of new counsel admitted to practice in the United States Supreme Court, she will be filing a Petition for a Writ of Certiorari in the United States Supreme Court to appeal the Second Circuit's August 27, 2021 decision, which will effectively stay this action.

In light of the above, and the fact that Donnelly Stehn, LLP has been terminated as counsel for Ms. Tantaros, Donnelly Stehn, LLP respectfully requests the Court grant the branch of the motion to stay this action for at least 90 days to enable Ms. Tantaros to retain new counsel admitted to practice in the United States Supreme Court.

Dated: October 15, 2021

Respectfully submitted,

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